

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

TIMOTHY KENDRICK AND MICHAEL)
VAUGHN,) Case No. 2:21-cv-61
)
)
Plaintiffs and Counter-Defendants,) Judge Travis R. McDonough
)
)
v.) Magistrate Judge Cynthia R. Wyrick
)
)
RUSSELL TAYLOR,)
)
)
Defendant and Counter-Plaintiff.

ORDER

The Court previously put Plaintiffs on notice that default judgment would be entered against them should they fail to appear for the final pretrial conference (Doc. 72). Nevertheless, Plaintiffs did not appear for the duly noticed conference. As a result, and pursuant to the power outlined in the Court's previous Order (Doc. 72), the Court hereby **GRANTS** default judgment in favor of Taylor on his counterclaims.

Also before the Court is Magistrate Judge Wyrick's report and recommendation (Doc. 63) regarding discovery sanctions against Kendrick and Vaughn. After reviewing the record and the applicable law, the Court agrees with the magistrate judge's findings of fact, conclusions of law, and recommendation. Taylor's objection (Doc. 71) is now **MOOT**¹ and the Court

¹ Magistrate Judge Wyrick specifically advised Plaintiff that he had fourteen days within which to object to the report and recommendation and that failure to do so would waive his right to appeal. *See Fed. R. Civ. P. 72(b)(2); see also Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). The period in which Plaintiffs could timely file any objections has now expired.

ACCEPTS and ADOPTS in whole Magistrate Judge Wyrick's report and recommendation. As a result, Kendrick and Vaughn's claims are hereby **DISMISSED**.

AN APPROPRIATE JUDGMENT SHALL ENTER.

*/s/ **Travis R. McDonough***

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE